

Memorandum

Provisional Determination - Nationwide Permits

23 June 1998

CECW-OR

MEMORANDUM FOR THE RECORD

SUBJECT: Provisional Determination - Nationwide Permits

1. Reference 33 CFR 330.4 which requires the U.S. Army Corps of Engineers to make a provisional determination that the proposed nationwide permit (NWP) activities comply with the requirements for issuance under general permit authority prior to publishing the proposed issuance or re-issuance of the NWPs.
2. This provisional determination is based on the enclosed preliminary decision documents for the proposed new and modified NWPs.
3. I have determined, subject to additional review and comments by the public and Federal, State, and local agencies and offices, that the proposed new and modified NWP activities are in compliance with the requirements for issuance under general permit authority. My provisional determination takes into consideration the definition of general permits at 33 CFR 322.2(f) and 323.2(h), the Section 404(b)(1) Guidelines, and the public interest. Furthermore, I have taken into account the terms and conditions of the NWPs and the provisions for discretionary authority for classes of activities, geographic areas, and specific activities.
4. This is a provisional determination and subject to change, based upon review and comment prior to making a final decision on the NWPs.

FOR THE COMMANDER:

/signed/

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RUSSELL L. FUHRMAN
Major General, USA
Director of Civil Works